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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,935	06/20/2000	Tatsuya Wakuta	FUJR 17.355	4961
26304	7590	03/03/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			TRAN, PABLO N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/597,935

Applicant(s)

WAKUTA ET AL.

Examiner

Pablo N Tran

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 25,27,33,35 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24,26,28-32,34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claim 38 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Regarding claim 38, the newly submitted claim direct to a base station comprising a counting table which counts number of handoffs from the base station to each of adjacent base station for detecting each handoff frequency and a handoff limiting unit which stops processing for handling of said mobile station to one adjacent base station in case that the handoff frequency for the mobile station from said base station to said one adjacent base station is over a predetermined frequency.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 38 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 7, 10, 13, 16, 19, 22, 26, 28-30, 34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamaura et al.* (6,263,205) in view of *Frank et al.* (RE37,757).

As per claims 1, 4, 7, 10, 13, 16, 19, 22, and 30, *Yamaura et al.* disclosed a method for handling off a mobile station (MS) from one base station (BS) to another, comprising: at least one MS, at least two BS, a MSC, and wherein a handoff threshold varying unit which varies a handoff threshold value set in one of said at least one MS based on a quality-versus-threshold table and the quality-versus-threshold table comprising handoff threshold values and corresponding link quality values, and wherein the value in the MS corresponding to quality of a wireless link between the MS and BS and a handoff processing unit which executes processing for handling off said MS from one BS to another based on said handoff threshold (col. 8/ln. col. 10/ln. 41).

*Yamaura et al.* does not explicitly disclose a method of stopping the hand-off process of said MS to another wireless BS when a frequency (number) of handoffs has exceeds a predetermined frequency. However, such method is well known in the art, as taught by *Frank et al.* (col. 8/ln. 4-15). Therefore, it would have been obvious to one of ordinary skill in the art to provide such method of stopping the hand-off process of said MS to another wireless BS when a frequency (number) of handoffs has exceeds a predetermined frequency, as taught by *Frank et al.*, to the mobile communication system of *Yamaura et al.* in order to eliminate unnecessary drop calls and system resources tie-up.

As per claims 26, 28-29, 34, and 36-37, the modified system of *Yamaura et al.* disclosed the handoff varying unit lowers or raise the handoff threshold (see *Yamaura et al.*, col. 8/ln. col. 10/ln. 41) and stop executed said processing for handling off (see *Frank et al.*, col. 8/ln. 4-15).

4. Claims 2-3, 5-6, 8-9, 11-12, 14-15, 17-18, 20-21, 23-24, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Yamaura et al.* (6,263,205) in view of *Frank et al.* (RE37,757) and further in view of *Balachandran* (5,594,943).

As per claims 2, 5, 8, 11, 14, 17, 20, 23, and 31, the modified system of *Yamaura et al.* does not explicitly disclose the handoff threshold is varied on a real-time basis. However, such handoff threshold varied on a real-time basis is notoriously well known in the art, as taught by *Balachandran* (fig. 7-22). Therefore, it would have been obvious to one of ordinary skill in the art to provide such handoff threshold varied on a real-time basis, as taught by *Balachandran*, the adaptive handoff threshold in a mobile telecommunication system of *Yamaura et al.* in order to provide seamless process of handling off mobile station communication link from one base station to another.

As per claims 3, 6, 9, 12, 15, 18, 21, 24, and 32, the modified system of *Yamaura et al.* in view of *Balachandran* further disclosed obtaining said wireless quality link before performing the operation of varying said handoff threshold (see *Yamaura et al.*, col. 8/ln. col. 10/ln. 41).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lin (6,542,744), Zeng (6,496,492), Qing-An (6,529,733), Hall (5,475,861), and Park (6,628,949) disclose handoff method being use in a radiotelephone communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN**  
**PRIMARY EXAMINER**

February 18, 2005

  
